

Art Unit: 1797

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because of the inclusion of legal phraseology such as "said" and "comprising". In addition, the phrase "Figure 1" at the end of the abstract should be deleted. Correction is required. See MPEP § 608.01(b).
4. The disclosure is objected to because of the following informalities: There is no brief description of Figure 4 on page 13 of the specification.

Appropriate correction is required.

5. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Specific deficiencies in the claims are set forth below.

Art Unit: 1797

On line 1 of claim 1, the phrase "in particular" is indefinite since it is unclear whether the limitation following the phrase (i.e. "a liquid medium") is a part of the claimed invention. See MPEP § 2173.05(d). See this same problem throughout the claims with the phrase "in particular", especially in claims 3, 4, 5, 6, 7, 11, 14, 19 and 21. On line 4 of claim 1, the phrase "said first wall" lacks antecedent basis and is indefinite. Is the first wall the same as the elastically deformable wall? On line 5 of claim 1, the phrase "characterized in that" does not represent standard U.S. claim terminology and should be changed to --wherein--. This same change should be made throughout the claims. Claim 1 is indefinite since it is not clear that the recited impedance measurement serves to measure the pressure of the medium, as recited in the preamble of the claim.

Claim 2 is indefinite since it is not clear what the recited excitation system supplies to the at least one excitation electrode. A current of a certain voltage?

In claim 3, the terms "high-frequency" and "low current intensity" are indefinite since there is no comparative basis for what constitutes "high" and "low". See this same problem with the phrase "high-frequency" in claim 4.

On the last line of claim 6, the phrase "or otherwise applied" is indefinite since it is not clear what processes are encompassed by this phrase, and therefore, the scope of patent protection desired is not clear.

Claim 8 is indefinite since it is not clear what the recited "arrangement" is that provides for ensuring free mobility of the elastic wall. No structure for the "arrangement" has been recited.

Art Unit: 1797

Claim 9 is indefinite since the structural relationship among the measuring chamber, the retaining means, the protective cap and the recess is not clear. Is the measuring chamber located within a retaining means that has a protective cap and a recess therein? How are the protective cap and recess structurally connected to the retaining means, and how is the measuring chamber with elastic wall situated in relation to the retaining means, protective cap and recess?

Claim 11 is indefinite since it is not clear what the recited "arrangement" is that provides for adjusting the device and for holding it at an adjustable height. No structure for the "arrangement" has been recited. On lines 3-4 of claim 11, the phrase "the retaining means" lacks antecedent basis since claim 11 depends from claim 8, and it is claim 9 that positively recites a retaining means.

On line 4 of claim 12, the phrase "the retaining means" lacks antecedent basis.

Claim 13 is indefinite since it is unclear whether the recited excitation electrode in claim 13 is different than the at least one excitation electrode recited in claim 1. In addition, it is unclear whether the recited conductivity measurement in claim 13 is different than the impedance measurement recited in claim 1. It also unclear how the recited conductivity measurement in claim 13 relates to the measurement of pressure, as recited in the preamble of claim 1.

On lines 2-3 of claim 14, the phrase "the hematocrit value" lacks antecedent basis and is indefinite since it is not clear whether this is referring to the hematocrit value of the medium recited in claim 1. On line 3 of claim 14, the phrase "the determined conductivity value" lacks antecedent basis since claim 1 does not positively recite a measurement of conductivity. On the

Art Unit: 1797

last line of claim 14, the phrase "for correction of zero line and sensitivity" is indefinite since it is not clear what this refers to.

On line 3 of claim 15, the phrase "the retaining means" lacks antecedent basis and is indefinite since independent claim 1, from which claim 15 depend, does not positively recite any retaining means. Therefore, it is unclear what the recited retaining means is and how it is structurally related to the other components of the apparatus.

On line 3 of claim 16, it is not clear what is meant by "concealed contacting".

The recited electrodes in claim 18 are indefinite since it is not clear whether these electrodes are the same as the at least one excitation electrode and the at least one signal electrode recited in claim 1. See this same problem in claims 19 and 20.

On line 2 of claim 20, the phrase "the protective cap" lacks antecedent basis.

Claim 21 is infinite since the claim recites using the device of claim 1 for measuring the hematocrit of a blood sample. However, the structure recited in claim 21 is not the same as the structure set forth in claim 1 since claim 1 does not positively recite an extracorporeal circuit, claim 1 does not recite measuring a conductivity value, and it is unclear whether the recited "two fixed electrodes" in claim 21 are the same as the at least one excitation electrode and the at least one signal electrode recited in claim 1. Claim 21 is also indefinite since it is not clear whether the hematocrit of the blood sample is derived from the pressure measurement obtained with the device of claim 1, and it is not clear how the pressure measurement and the hematocrit are related.

On lines 1-2 of claim 22, the phrase "to draw up a liquid balance" is indefinite since it is not clear what is meant by this phrase. Claim 22 is indefinite since it is not clear whether the

Art Unit: 1797

pressure measurement device recited in claim 1 is used to measure a conductivity value at both the start and end of the measurement path so that the blood sample whose hematocrit is being measured flows through two such pressure measurement devices.

6. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action since none of the prior art of record teaches or fairly suggests a device for measuring the pressure of a liquid medium that comprises a measuring chamber through which a liquid medium can flow, an inlet into the measuring chamber, an outlet from the measuring chamber, at least one elastically deformable wall in the measuring chamber, at least one wall in the measuring chamber that is more rigid than the at least one elastically deformable wall, an excitation electrode in or on the at least one more rigid wall and a signal electrode provided on the elastically deformable wall, wherein a measure of impedance between the electrodes as a liquid medium flows through the measuring chamber serves to measure the pressure of the liquid medium.

7. Claims 2-22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims for the same reasons as given above.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Please make note of: Uberreiter, Jonsson et al, Stephens, Knoll, Novak et al and Chevallet who all teach of devices for measuring pressure in fluids; and Zhang et al who teach of a method and device for determining hematocrit in blood samples using pressure measurements made in an extracorporeal blood circuit.

Art Unit: 1797

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maureen M. Wallenhorst whose telephone number is 571-272-1266. The examiner can normally be reached on Monday-Thursday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vickie Kim, can be reached on 571-272-0579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maureen M. Wallenhorst
Primary Examiner
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mmw

October 20, 2009

/Maureen M. Wallenhorst/

Primary Examiner, Art Unit 1797